

SENATE BILL 140

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2003 Regular Session
3lr0763
CF 3lr0762

By: **Chairman, Judicial Proceedings Committee (Maryland Judicial Conference)**

Introduced and read first time: January 24, 2003
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: February 19, 2003

CHAPTER _____

1 AN ACT concerning

2 **Courts - Subsequent Injury Fund - Effect of Impleading in Workers'**
3 **Compensation Appeal**

4 FOR the purpose of limiting a requirement of mandatory suspension of further
5 proceedings in a workers' compensation appeal in a circuit court and remand of
6 a case to the Workers' Compensation Commission if an impleader of the
7 Subsequent Injury Fund is filed to circumstances in which the impleader is filed
8 within a certain time; authorizing a circuit court, for good cause shown, to
9 suspend further proceedings in a workers' compensation appeal and remand a
10 case to the Commission if an impleader of the Fund is filed under certain
11 circumstances; providing certain exceptions, to a requirement of mandatory
12 suspension of further proceedings in a workers' compensation appeal in the
13 Court of Special Appeals and remand of a case to the Commission if an
14 impleader of the Fund is filed, for an impleader filed in bad faith or without
15 substantial justification; providing for the application of this Act; and generally
16 relating to altering certain requirements concerning impleading the Fund on a
17 workers' compensation appeal in a circuit court or the Court of Special Appeals.

18 BY repealing and reenacting, with amendments,
19 Article - Labor and Employment
20 Section 9-807(b)
21 Annotated Code of Maryland
22 (1999 Replacement Volume and 2002 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That the Laws of Maryland read as follows:

1

Article - Labor and Employment

2 9-807.

3 (b) (1) The Subsequent Injury Fund may be impleaded at any stage of the
4 proceedings:

5 (i) before the Commission; or

6 (ii) on appeal.

7 (2) If the Subsequent Injury Fund is impleaded on appeal before a circuit
8 court [or the Court of Special Appeals], the court [shall]:

9 (i) AS TO AN IMPLEADER FILED AT LEAST ~~90~~ 60 DAYS BEFORE THE
10 SCHEDULED TRIAL, SHALL:

11 1. suspend further proceedings; and

12 [(ii)] 2. remand the case to the Commission for further
13 proceedings to give the Subsequent Injury Fund an opportunity to defend against the
14 claim; AND

15 (II) AS TO AN IMPLEADER FILED AT ANY OTHER TIME, MAY FOR
16 GOOD CAUSE SHOWN:

17 1. SUSPEND FURTHER PROCEEDINGS; AND

18 2. REMAND THE CASE TO THE COMMISSION FOR FURTHER
19 PROCEEDINGS TO GIVE THE SUBSEQUENT INJURY FUND AN OPPORTUNITY TO
20 DEFEND AGAINST THE CLAIM.

21 (3) IF THE SUBSEQUENT INJURY FUND IS IMPLEADED ON APPEAL
22 BEFORE THE COURT OF SPECIAL APPEALS AND UNLESS THE COURT FINDS THAT THE
23 IMPLEADER WHO FILED IN BAD FAITH OR WITHOUT SUBSTANTIAL JUSTIFICATION,
24 THE COURT SHALL:

25 (I) SUSPEND FURTHER PROCEEDINGS; AND

26 (II) REMAND THE CASE TO THE COMMISSION FOR FURTHER
27 PROCEEDINGS TO GIVE THE SUBSEQUENT INJURY FUND AN OPPORTUNITY TO
28 DEFEND AGAINST THE CLAIM.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
30 construed to apply only prospectively and may not be applied or interpreted to have
31 any effect on or application to any appeal filed before the effective date of this Act.

32 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
33 effect October 1, 2003.

